

Union Calendar No. 251

104TH CONGRESS
2D SESSION

H. R. 1527

[Report No. 104-516, Part I]

To amend the National Forest Ski Area Permit Act of 1986 to clarify the authorities and duties of the Secretary of Agriculture in issuing ski area permits on National Forest System lands and to withdraw lands within ski area permit boundaries from the operation of the mining and mineral leasing laws.

IN THE HOUSE OF REPRESENTATIVES

MAY 1, 1995

Mr. YOUNG of Alaska introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

APRIL 15, 1996

Reported from the Committee on Resources with amendments

[Strike out all after the enacting clause and insert the part printed in *italic*]

APRIL 15, 1996

Referral to the Committee on Agriculture extended for a period ending not later than April 15, 1996

APRIL 15, 1996

Additional sponsors: Mr. METCALF, Ms. DUNN of Washington, Mr. CRAPO, Mr. LEWIS of California, Mr. HAYWORTH, Mr. COOLEY of Oregon, Mr. NETHERCUTT, Mr. HASTINGS of Washington, Mr. MOORHEAD, Mrs. VUCANOVICH, Mrs. WALDHOLTZ, Mr. MCINNIS, Mr. SKAGGS, and Mr. ZELIFF

APRIL 15, 1996

Committee on Agriculture discharged; committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

A BILL

To amend the National Forest Ski Area Permit Act of 1986 to clarify the authorities and duties of the Secretary of Agriculture in issuing ski area permits on National Forest System lands and to withdraw lands within ski area permit boundaries from the operation of the mining and mineral leasing laws.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*
 3 **SECTION 1. SKI AREA PERMIT RENTAL CHARGE.**

4 *(a) The Secretary of Agriculture shall charge a rental*
 5 *charge for all ski area permits issued pursuant to section*
 6 *3 of the National Forest Ski Area Permit Act of 1986 (16*
 7 *U.S.C. 497b), the Act of March 4, 1915 (38 Stat. 1101,*
 8 *chapter 144; 16 U.S.C. 497), or the 9th through 20th para-*
 9 *graphs under the heading “SURVEYING THE PUBLIC*
 10 *LANDS” under the heading “UNDER THE DEPART-*
 11 *MENT OF THE INTERIOR” in the Act of June 4, 1897*
 12 *(30 Stat. 34, chapter 2), on National Forest System lands.*
 13 *Permit rental charges for permits issued pursuant to the*
 14 *National Forest Ski Area Permit Act of 1986 shall be cal-*
 15 *culated as set forth in subsection (b). Permit rental charges*
 16 *for existing ski area permits issued pursuant to the Act of*
 17 *March 4, 1915, and the Act of June 4, 1897, shall be cal-*

1 *culated in accordance with those existing permits: Provided,*
 2 *That a permittee may, at the permittee's option, use the*
 3 *calculation method set forth in subsection (b).*

4 *(b)(1) The ski area permit rental charge (SAPRC)*
 5 *shall be calculated by adding the permittee's gross revenues*
 6 *from lift ticket/year-round ski area use pass sales plus reve-*
 7 *nue from ski school operations (LT+SS) and multiplying*
 8 *such total by the slope transport feet percentage (STFP) on*
 9 *National Forest System land. That amount shall be in-*
 10 *creased by the gross year-round revenue from ancillary fa-*
 11 *cilities (GRAF) physically located on national forest land,*
 12 *including all permittee or subpermittee lodging, food serv-*
 13 *ice, rental shops, parking and other ancillary operations,*
 14 *to determine the adjusted gross revenue (AGR) subject to*
 15 *the permit rental charge. The final rental charge shall be*
 16 *calculated by multiplying the AGR by the following per-*
 17 *centages for each revenue bracket and adding the total for*
 18 *each revenue bracket:*

19 *(A) 1.5 percent of all adjusted gross revenue*
 20 *below \$3,000,000;*

21 *(B) 2.5 percent for adjusted gross revenue be-*
 22 *tween \$3,000,000 and \$15,000,000;*

23 *(C) 2.75 percent for adjusted gross revenue be-*
 24 *tween \$15,000,000 and \$50,000,000; and*

1 (D) 4.0 percent for the amount of adjusted gross
2 revenue that exceeds \$50,000,000.

3 Utilizing the abbreviations indicated in this subsection
4 the ski area permit fee (SAPF) formula can be simply illus-
5 trated as:

$$SAPF = (LT + SS) \times STFP + GRAF = AGR; AGR \times \% \text{ BRACKETS}$$

6 (2) In cases where ski areas are only partially located
7 on national forest lands, the slope transport feet percentage
8 on national forest land referred to in subsection (b) shall
9 be calculated as generally described in the Forest Service
10 Manual in effect as of January 1, 1992. Revenues from Nor-
11 dic ski operations shall be included or excluded from the
12 rental charge calculation according to the percentage of
13 trails physically located on national forest land.

14 (3) In order to ensure that the rental charge remains
15 fair and equitable to both the United States and ski area
16 permittees, the adjusted gross revenue figures for each reve-
17 nue bracket in paragraph (1) shall be adjusted annually
18 by the percent increase or decrease in the national
19 Consumer Price Index for the preceding calendar year. No
20 later than 3 years after the date of enactment of this Act
21 and periodically thereafter the Secretary shall submit to the
22 Committee on Energy and Natural Resources of the United
23 States Senate and the Committee on Resources of the United
24 States House of Representatives a report analyzing whether
25 the ski area permit rental charge legislated by this Act is

1 *returning a fair market value rental to the United States*
2 *together with any recommendations the Secretary may have*
3 *for modifications of the system.*

4 *(c) The rental charge set forth in subsection (b) shall*
5 *be due on June 1 of each year and shall be paid or pre-*
6 *paid by the permittee on a monthly, quarterly, annual or*
7 *other schedule as determined appropriate by the Secretary*
8 *in consultation with the permittee. Unless mutually agreed*
9 *otherwise by the Secretary and the permittee, the payment*
10 *or prepayment schedule shall conform to the permittee's*
11 *schedule in effect prior to enactment of this Act. To reduce*
12 *costs to the permittee and the Forest Service, the Secretary*
13 *shall each year provide the permittee with a standardized*
14 *form and worksheets (including annual rental charge cal-*
15 *culation brackets and rates) to be used for rental charge*
16 *calculation and submitted with the rental charge payment.*
17 *Information provided on such forms shall be compiled by*
18 *the Secretary annually and kept in the Office of the Chief,*
19 *U.S. Forest Service.*

20 *(d) The ski area permit rental charge set forth in this*
21 *section shall become effective on June 1, 1996 and cover re-*
22 *ceipts retroactive to June 1, 1995: Provided, however, That*
23 *if a permittee has paid rental charges for the period June*
24 *1, 1995, to June 1, 1996, under the graduated rate rental*
25 *charge system formula in effect prior to the date of enact-*

1 *ment of this Act, such rental charges shall be credited to-*
2 *ward the new rental charge due on June 1, 1996. In order*
3 *to ensure increasing rental charge receipt levels to the*
4 *United States during transition from the graduated rate*
5 *rental charge system formula of this Act, the rental charge*
6 *paid by any individual permittee shall be—*

7 *(1) for the 1995–1996 permit year, either the*
8 *rental charge paid for the preceding 1994–1995 base*
9 *year or the rental charge calculated pursuant to this*
10 *Act, whichever is higher;*

11 *(2) for the 1996–1997 permit year, either the*
12 *rental charge paid for the 1994–1995 base year or the*
13 *rental charge calculated pursuant to this Act, which-*
14 *ever is higher;*

15 *(3) for the 1997–1998 permit year, either the*
16 *rental charge for the 1994–1995 base year or the rent-*
17 *al charge calculated pursuant to this Act, whichever*
18 *is higher.*

19 *If an individual permittee's adjusted gross revenue for the*
20 *1995–1996, 1996–1997, or 1997–1998 permit years falls*
21 *more than 10 percent below the 1994–1995 base year, the*
22 *rental charge paid shall be the rental charge calculated pur-*
23 *suant to this Act.*

24 *(e) Under no circumstances shall revenue, or*
25 *subpermittee revenue (other than lift ticket, area use pass,*

1 or ski school sales) obtained from operations physically lo-
2 cated on non-national forest land be included in the ski
3 area permit rental charge calculation.

4 (f) To reduce administrative costs of ski area permit-
5 tees and the Forest Service the terms “revenue” and “sales”,
6 as used in this section, shall mean actual income from sales
7 and shall not include sales of operating equipment, refunds,
8 rent paid to the permittee by sublessees, sponsor contribu-
9 tions to special events or any amounts attributable to em-
10 ployee gratuities or employee lift tickets, discounts, or other
11 goods or services (except for bartered goods and complimen-
12 tary life tickets) for which the permittee does not receive
13 money.

14 (g) In cases where an area of national forest land is
15 under a ski area permit but the permittee does not have
16 revenue or sales qualifying for rental charge payment pur-
17 suant to subsection (a), the permittee shall pay an annual
18 minimum rental charge of \$2 for each national forest acre
19 under permit or a percentage of appraised land value, as
20 determined appropriate by the Secretary.

21 (h) Where the new rental charge provided for in sub-
22 section (b)(1) results in an increase in permit rental charge
23 greater than one half of one percent of the permittee’s ad-
24 justed gross revenue as determined under subsection (b)(1),
25 the new rental charge shall be phased in over a five year

1 *period in a manner providing for increases for approxi-*
2 *mately equal increments.*

3 *(i) To reduce federal costs in administering the provi-*
4 *sions of this Act, the reissuance of a ski area permit to pro-*
5 *vide activities similar in nature and amount to the activi-*
6 *ties provided under the previous permit shall not constitute*
7 *a major Federal action for the purposes of the National En-*
8 *vironmental Policy Act of 1969 (42 U.S.C. 4331 et seq.).*

9 **SEC. 2. WITHDRAWALS.**

10 *Subject to valid existing rights, all lands located with-*
11 *in the boundaries of ski area permits issued prior to, on*
12 *or after the date of enactment of this Act pursuant to au-*
13 *thority of the Act of March 4, 1915 (38 Stat. 1101, chapter*
14 *144; 16 U.S.C. 497), and the Act of June 4, 1897, or the*
15 *National Forest Ski Area Permit Act of 1986 (16 U.S.C.*
16 *497b) are hereby and henceforth automatically withdrawn*
17 *from all forms of appropriation under the mining laws and*
18 *from disposition under all laws pertaining to mineral and*
19 *geothermal leasing and all amendments thereto. Such with-*
20 *drawal shall continue for the full term of the permit and*
21 *any modification, reissuance, or renewal thereof. Unless the*
22 *Secretary requests otherwise of the Secretary of the Interior,*
23 *such withdrawal shall be canceled automatically upon expi-*
24 *ration or other termination of the permit and the land auto-*

- 1 *matically restored to all appropriation not otherwise re-*
- 2 *stricted under the public land laws.*

Amend the title so as to read: “A bill to further clarify the authorities and duties of the Secretary of Agriculture in issuing ski area permits on National Forest System lands and to withdraw lands within ski area permit boundaries from the operation of the mining and mineral leasing laws.”.

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